

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND) MDL NO. 13-02419-FDS
COMPOUNDING)
PHARMACY CASES LITIGATION)
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BEFORE: THE HONORABLE F. DENNIS SAYLOR, IV

STATUS CONFERENCE

John Joseph Moakley United States Courthouse
Courtroom No. 2
One Courthouse Way
Boston, MA 02210

September 12, 2013
1:30 p.m.

Valerie A. O'Hara, FCRR, RPR
Official Court Reporter
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 3204
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1 so it knows how to divide up this pie when that day
2 ultimately arrives.

3 So, it's my understanding that there's a
4 little bit of hesitance on the PSC to take the release
5 what we've negotiated to the next step and actually get
6 them signed and get a process in place promptly to do
7 this. It's not an unwillingness to do it forever. I
8 think it's a timing issue, so the defendants believe
9 this has to happen now, and I'll let the PSC speak to
10 their own position on it.

02:27PM

11 MS. PARKER: Well, your Honor, this is the
12 first I'm hearing that Ameridose is interested in
13 pursuing the collection of medical records now. We had
14 a fairly extensive meet and confer about how this case
15 ought to move forward. We talked about plaintiff fact
16 sheets, which would include medical records, during our
17 meet and confer on Monday, so the PSC wasn't aware that
18 anyone from Ameridose wanted to do this.

19 We'll certainly talk about it. I will note
20 though that, again, I feel like a broken record, so
21 forgive me, if the affiliated defendants are settling,
22 they have no dog in this fight. They have no reason
23 that they need plaintiffs' medical records. As your
24 Honor knows, medical record collection is a necessary
25 part of this case. It's also an expensive part of this

02:28PM

1 case, and it's something that we think should be done
2 with great thought and care.

3 We have no interest in keeping information
4 from the defendants, but if the affiliated defendants
5 are going to be out of this case in 30 days, two months,
6 I'm not saying they are, but if that comes to pass, then
7 starting this process of collecting medical records and
8 expending great sums of money, doing that becomes hard
9 to understand why the affiliated defendants have an
10 interest in pushing that.

02:28PM

11 THE COURT: Let me cut this short. Putting
12 aside how we got to where we are today, it's hard for me
13 to see a scenario here, and maybe I'm missing something,
14 in which these claims ultimately get resolved. I mean,
15 you say settling. I assume you mean settling is
16 contributing a pot of money. Someone has to decide how
17 that money in the pot is split up among claimants. I
18 don't see how that process can't occur without the
19 collection of medical records and product

02:29PM

20 I.D. information at some level.

21 As I've been saying from the beginning, it
22 is cumbersome, as you know, you know, chasing down
23 healthcare providers for records, collecting them,
24 organizing them, all of that. I'm not sure I see any
25 reason why that process ought to be delayed regardless